

ORDINANCE NO. 1196

AN ORDINANCE PROHIBITING THE USE OF MOBILE COMMUNICATION DEVICES WHILE OPERATING A MOTOR VEHICLE IN THE CITY LIMITS; PROVIDING CERTAIN EXCEPTIONS; AND PROVIDING A PENALTY THEREFOR.

WHEREAS, the City of Miles City has determined that the use of handheld cellular telephones and other voice and electronic communication devices by vehicle operators while the vehicle is in motion constitutes an unreasonable distraction to the vehicle operator;

AND WHEREAS, such operator distraction constitutes a public safety hazard and increases the potential for motor vehicle accidents within the city limits of the City of Miles City which cause injury to persons and damage to property;

AND WHEREAS, §61-8-101 MCA permits local governments to adopt additional traffic regulations which are not in conflict with the provisions of Title 61, Chapter 8, Montana Code Annotated;

AND WHEREAS none of the provisions of this Ordinance conflict with the provisions of Title 61, Chapter 8, Montana Code Annotated;

BE IT ORDAINED by the City Council of the City of Miles City, Montana as follows:

Section 1. There is added to Chapter 22, Article V of the Code of Ordinances of the City of Miles City, Montana, a Section 22-151, to read as follows:

Sec. 22-151. Use of Mobile Communications Device by Vehicle Operator Prohibited. (a) Except as otherwise provided in

subsection (b) of this section, no person shall operate a motor vehicle upon a public road within the city limits of the City of Miles City while using a mobile communication device. "Mobile communication device" means a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication. "Using a mobile communications device" shall include, but not be limited to, the following activities: (1) talking or listening to another person on a mobile communications device; (2) text messaging; (3) sending, reading or listening to an electronic message; or (4) browsing the internet via the mobile communications device.

(b) The provisions of this section shall not apply to:

- (1) Law enforcement officers, operators of emergency vehicles, and operators of governmental transportation and public works vehicles, when on duty and acting in their official capacities.
- (2) Persons using a mobile communications device by means of a "hands free" device allowing the driver to talk to and listen to the other party without the use of hands.